

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ROY MUNOZ,

Plaintiff,

vs.

Cause No. 2017-cv-0881

JOHN DOE CORPORATIONS

W, Y and Z,

Defendants.

COMPLAINT FOR PRODUCT DEFECT RESULTING IN PERSONAL INJURY

COMES NOW Plaintiff, by and through his counsel of record, and submits the following as his Complaint against the Defendant herein for claims associated with product defect resulting in personal injury.

1. Plaintiff Roy Munoz is a resident of San Juan County, New Mexico.
2. On information and belief, Defendants John Doe Corporations W, Y and Z (“Defendants”) are foreign corporations with their primary place of business located outside the State of New Mexico and are incorporated outside of the State of New Mexico.
3. The Defendants, jointly and severally, are the manufacturers and distributors of airbags and airbag controllers used in hundreds of thousands, if not millions, of vehicles sold and used in the United States.
4. Plaintiff was, at the time of the incident in question, employed by the United States Forest Service.
5. On November 1, 2016, Plaintiff was driving a forest service vehicle, specifically, a 2012 Dodge Ram 1500 during the course and scope of his duties on Highway 84 in Rio Arriba

County, New Mexico.

6. At approximately Mile Marker 221, Plaintiff, who was traveling at the post speed limit and traveling in his lane of travel, hit two (2) Elk head on.

7. The airbag, manufactured, distributed and installed by the Defendants did not deploy despite the fact Plaintiff was traveling at highway speeds and despite the fact that the collision to with the Elk caused heavy damage to the front end of the vehicle.

8. As a result of the failure of the airbag to deploy, Plaintiff has suffered serious personal injuries, has lost his job, has incurred, and will incur in the future, medical and medically related expenses, has endured pain and suffering, emotional distress, and permanent disfigurement.

9. The Defendants were negligent in their design and manufacture of the subject airbag and/or its controlling devices, and this negligence caused the Plaintiff's damages as set forth above.

WHEREFORE, Plaintiff requests judgment in his favor against the Defendants in an amount sufficient to compensate him for his injuries and damages as set forth above, for pre- and post-judgment interest, costs of suit, and such further relief as the Court deems just and proper.

Respectfully submitted,

LAW OFFICES OF JAMES P. LYLE, P.C.

/s/ James P. Lyle, Attorney
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